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Arraignment

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

15 CR 811 (PGG)

5 RAMON VARGAS-RODRIGUEZ,

6 Defendant.

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8 New York, N.Y.
9 November 24, 2015
11:00 a.m.

10 Before:

11 HON. PAUL G. GARDEPHE,

12 District Judge

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14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
Southern District of New York

17 DINA McLEOD

Assistant United States Attorney

18 FEDERAL DEFENDERS OF NEW YORK

Attorneys for Defendant

19 PHILIP WEINSTEIN
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1 THE DEPUTY CLERK: United States of America v. Ramon
2 Vargas-Rodriguez. Is the government ready?

3 MS. McLEOD: Yes, your Honor. Good morning, your
4 Honor. Dina McLeod for the government.

5 MR. WEINSTEIN: Phil Weinstein, your Honor. Sorry, we
6 didn't get the indictment until yesterday afternoon, so I
7 didn't have a chance to provide it, but just did.

8 THE COURT: No problem, Mr. Weinstein.

9 For the record, we are here for purposes of arraigning
10 Mr. Vargas-Rodriguez on the indictment. So
11 Mr. Vargas-Rodriguez, would you please stand.

12 You're here with Mr. Weinstein this morning as your
13 attorney, is that correct?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you received a copy of the indictment
16 which reflects the charge against you?

17 THE DEFENDANT: Yes.

18 THE COURT: Have you had an opportunity to read the
19 indictment?

20 THE DEFENDANT: Yeah.

21 THE COURT: Have you discussed it with Mr. Weinstein?

22 THE DEFENDANT: Yes.

23 THE COURT: You should understand that you are charged
24 in the indictment with possessing in and affecting commerce a
25 firearm which had previously been shipped or transported in

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1 interstate or foreign commerce in violation of 18, United
2 States Code, Section 922(g)(1), which prohibits the possession
3 or receipt of a firearm by a person who has been convicted in a
4 court of a felony.

5 Do you want me to read the indictment to you now here
6 in open court?

7 THE DEFENDANT: No.

8 THE COURT: Then I'll ask you now how do plead to the
9 charge in the indictment?

10 THE DEFENDANT: Not guilty.

11 THE COURT: You may be seated.

12 Ms. McLeod, when will the government provide
13 discovery?

14 MS. McLEOD: The government is prepared to produce
15 discovery by the end of next week, your Honor.

16 THE COURT: With that in mind, Mr. Weinstein, when
17 does it make sense for us to meet again?

18 MR. WEINSTEIN: Your Honor, the only other thing I
19 would ask is Mr. Vargas has requested that he believes that in
20 all the precincts there is surveillance videos of the room.
21 The gun apparently was discovered during that, and I suspect
22 the government will have to specially order that. But, that
23 aside, two weeks after I get the full discovery would be fine.

24 THE COURT: So just so the record is clear, the
25 complaint recounts an incident in which Mr. Vargas was arrested

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1 in a motor vehicle based on the officers' belief that he
2 possessed marijuana. According to the complaint, the defendant
3 was then brought to the 52nd Precinct where he was brought into
4 a holding cell and searched. According to the complaint,
5 during the search, both officers heard something hit the floor
6 and they conducted a patdown of Mr. Vargas Rodriguez at that
7 time and recovered a firearm. So that's what Mr. Weinstein is
8 referring to.

9 So, Ms. McLeod, could you please make inquiry about
10 whether there was any video taken of the holding cell on that
11 particular day at that particular time?

12 MS. McLEOD: Yes, your Honor.

13 THE COURT: Thank you. So, Ms. McLeod, did you say
14 two weeks for discovery?

15 MS. McLEOD: By the end of next week, your Honor.

16 THE COURT: My inclination, Mr. Weinstein, would be to
17 see you again say around December 18. Does that make sense?

18 MR. WEINSTEIN: That's fine if the video exists, but
19 if it isn't available by then, we'll contact the Court.

20 THE COURT: Okay. That sounds fine. Mr. Weinstein, I
21 believe the government is going to want me to exclude time. Do
22 you have any objection?

23 MR. WEINSTEIN: I do not.

24 THE COURT: Then I will exclude time between today and
25 December 18 under the Speedy Trial Act pursuant to Title 18,

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1 United States Code, Section 3161(h)(7)(A) to permit
2 Mr. Weinstein to review the discovery materials and discuss
3 them with his client. I find that the ends of justice served
4 by the granting of this continuance outweigh the best interests
5 of the defendant and the public in a speedy trial. The
6 conference on December 18 will proceed at 10:15.

7 Anything else we should talk about now?

8 MR. WEINSTEIN: No, your Honor.

9 MS. McLEOD: Not from the government.

10 THE COURT: Thank you.

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